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**CASCADE COUNTY  
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes

Thursday, October 12, 2017

9:00 AM

Room #105, Courthouse Annex  
Cascade County Commissioners Chambers

STATE OF MONTANA }  
COUNTY OF CASCADE } SS  
I HEREBY CERTIFY THAT THE INSTRUMENT TO WHICH THIS CERTIFICATE IS ANNEXED, IS A TRUE, COMPLETE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.  
WITNESS MY HAND AND SEAL OF OFFICE

NOV 09 2017

Date

RINA FT MOORE

Clerk and Recorder/Auditor/Surveyor

By R. K. [Signature]  
DEPUTY

Board Members: Bill Austin, Jim Edwards, Leonard Reed, and Tim Wilkinson

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

**STAFF ATTENDEES:** Alex Dachs, Troy Hangen, Fernando Terrones, and Nadine Thares

**PUBLIC ATTENDEES:** Tom Tinsen, Amanda Tinsen, Donna Hardesty, Erin Tingey, Taylor Erdman, Eileen Hyndman, Gary & Marion Prue, Phil Nappo.

1. **CALL TO ORDER:** Vice-Chairman Bill Austin called the meeting to order at 9:00am.

2. **ROLL CALL**

**BOARD MEMBERS PRESENT:** Bill Austin, Jim Edwards (late), Leonard Reed, Tim Wilkinson

**BOARD MEMBERS ABSENT:** none

3. **APPROVAL OF MINUTES:** August 24, 2017 minutes

Len Reed motioned to approve the minutes of August 24, 2017.

Tim Wilkinson seconded the motion.

All in Favor, Motion passes 3-0

4. **NEW BUSINESS:**

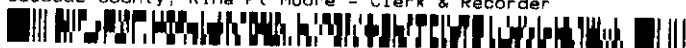
**A. Public Hearing:**

Troy Hangen presented the staff report. Summation is as follows: The Cascade County Zoning Board of Adjustment is in receipt of a SUP application from Amanda Tinsen to allow a second dwelling to be located on a parcel owned by her parents at 46 Fields Rd. The property is legally described as Parcel #2656500, and Geo Code 3016-31-1-01-07, and is zoned SR2. Mr. & Mrs. Tinsen are the legal owners of the property, they are not in violation of any Cascade County Zoning Regulations of any other county ordinance, and county taxes are current.

The applicant is requesting that a Special Use Permit be granted as required by Section 7.1.2.3 and 7.1.1.3 of the Cascade County Zoning Regulations for property in a SR2 district. This Proposed Special Use Permit meets the requirement of the Cascade County Zoning Regulations. Legal Notice of the application and the public hearing was published

**R0347493 CMS**

Total Pages: 15 R 0 00 By: bhanson 11/09/2017 02:09:18 PM  
Cascade County, Rina Ft Moore - Clerk & Recorder



in the Great Falls Tribune on October 1, 2017 and October 8, 2017. As of writing this report, planning staff have received zero phone calls or written comments/concerns.

An SUP is defined in Section 10 of the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only meeting all requirements set forth in the regulations. A SUP may be revoked by the ZBOA at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the ZBOA decision shall follow the process outlined in the CCZR, Section 12.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval. The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR are provided by the staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Ms. Tinsen states there should be no noticeable traffic count changes, **Planning staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count.**

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection. Soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. Ms. Tinsen states there are no additional provisions are needed, and the soil will not be moved, as the dwelling will be using the current well water. **No additional provisions are necessary and soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.**

The proposed development will not substantially impact the value of adjoining property, or is a public necessity. Applicant states the proposed 2<sup>nd</sup> dwelling will not affect the surrounding neighbors. The relationship of the proposed use and the character of the development to surrounding uses and development, and whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. **Staff feels the proposed SUP will have no effect with the**

surrounding uses due to the existing low populated area and large agriculture use and it should not negatively affect the general welfare of the community as a whole.

**Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.**

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Ms. Tinsen states the placement of a 2<sup>nd</sup> dwelling on the 20-acre site should not have any impact on neighboring businesses, tourism, regional economic development, or agriculture. **Staff feels the placement of a second home will not effect business, tourism, agriculture, and neighboring economic development.**

**GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.**

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- D. Assure clean air, clean water, a healthful environment and good community appearance.

- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.

Applicant states the placement of the 2<sup>nd</sup> dwelling on a 20 acre site should have little to no effect on the historical relationship with natural resources. Clean air will not be affected and open space and rangelands will be preserved. **Staff feels that this SUP will not affect the historical relationship of the natural resources. The placement of the mobile home on this large piece of land and connection to the existing utilities will be such a minimal alteration to the existing use.**

**GOAL 3: Maintain Agricultural economy**

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Ms. Tinsen states the placement of the mobile home on this large piece of land should have no effect on the existing soils or erosion. The location does not lie in the FEMA 100 year floodplain. **Staff feels the mobile home is being placed in a location where a structure was previously therefor not disturbing any future potential farming adventures.**

**GOAL 4: Retain the presence of the US Military in Cascade County.**

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant states the placement of the second dwelling unit on the 20-acre piece of land will not affect any missions pertaining to the US military in Cascade County. **Staff feels the placement of the mobile home will be in the MOD-E (Approach/Departure Clearance Surface) which states the mobile home will not be taller than 50'. The lot is also 7+ miles away from a launch facility.**

**GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.**

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Ms. Tinsen states that with a SUP approval, the placement of the second residence will allow the applicant to live in Cascade County independently while attending nursing school. The dwelling will not impact the educational facilities or cultural heritage of Cascade County. The dwelling will be acquiring an address so the fire department can respond to location if need for fire safety. **Staff believes the application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.**

The proposed development will be consistent with the Cascade County Growth Policy and with the growth policy objectives for the various planning areas, its consistency with the Municipal and Joint Land Use plans (MJLU) incorporated by the Growth Policy. Applicant does not anticipate the second residence to cause conflict in this non-densely populated residential area. **Staff feels the residence will be in harmony with existing residences.**

Per Section 10.7, operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

**Motions:**

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 46 Fields Road, Great Falls, MT (parcel # 0002656500) be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 46 Fields Road, Great Falls, MT subject to the following conditions:
  - 1. After completion of nursing school (2-3 years), applicant removes mobile home. If landowner chooses to keep mobile home, an approved new septic permit from City-County Health Department will be needed and a new septic system will need to be added due to higher use.
  - 2. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
  - 3. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes
  - 4. No part of structure extends into HMOD overlay.

**Board Questions:** none

**Public Hearing opened at 9:17 am**

**Applicant:** Amanda Tinsen, 46 Fields Rd, stated that she would like to be allowed to have the mobile home, so she could afford nursing school, which is otherwise a financial hardship.

**Proponents:** none

**Opponents:** none

**Public Hearing closed at 9:20 am**

**Discussion and Decision:**

**Tim Wilkinson** motioned to adopt the staff report and approve the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 46 Fields Road, Great Falls, MT subject to the following conditions:

1. After completion of nursing school (2-3 years), applicant removes mobile home. If landowner chooses to keep mobile home, an approved new septic permit from City-County Health Department will be needed and a new septic system will need to be added due to higher use.
2. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
3. Applicant obtains address from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes.
4. No part of structure extends into HMOD overlay.

**Jim Edwards** seconded the motion.

**All in Favor, Motion passes 4-0**

**B. Public Hearing:**

Troy Hangen presented the staff report. Summation is as follows: The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Venture Stone LLC to allow the operation of a quarry on a recently rezoned (from RR-5 to Ag) 40-acres, located at 795 Ulm-Vaughn Road. The property is legally described as Parcel #5702000, and Geo- Code(s): 3137-31-3-01-24, and is zoned Agriculture (A). Venture Stone LLC is the legal owner of the property, the property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.

The applicant is requesting that a Special Use Permit be granted as required by Section 7.2.4 of the Cascade County Zoning Regulations (CCZR). Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 1 & 8, 2017 and mailed to surrounding neighbors on September 29, 2017. As of writing this staff report, planning staff have received zero phone calls or written comments/concerns.

Per their operational statement, Venture Stone LLC will be operating a "Commercial Agricultural" Quarry. The location will act as a hub for the harvested rock transported

from fields to this site, then shipped to its final destination. This will be a wholesale site, where little public will be visiting. Venture Stone LLC hours will be 7am – 7pm.

A SUP is defined in Section 10 of the CCZR, and shall be deemed to authorize a particular use in its respective district and other applicable requirements. The ZBOA may approve, deny, or approve with conditions, and the SUP may be issued only meeting all requirements set forth in the regulations. A SUP may be revoked by the ZBOA at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the ZBOA decision shall follow the process outlined in the CCZR, Section 12.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval. The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

The property is in an Agricultural Zoning District. The proposed quarry is allowed in the Agriculture District pursuant to Section 7.2.4 (2) of the Cascade County Zoning Regulations. The section reads, "[Uses Permitted Upon Issuance of a Special Use Permit] (2): Quarry (including cutting, breaking, shaping, and finishing of quarried rock)".

A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

The following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the CCZR are provided by the staff. The proposed development will not materially endanger the public health or safety.

Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts. Venture Stone states there will be an estimated 0-3 semi-trucks a day and 1-7 other vehicles. **Staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count.**

Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection. Soil erosion and sedimentation, as well as the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater. Venture Stone states there will be minimal to no soil erosion for

this site. Five acres of the site are covered in gravel where the business will be located and the remaining 35 acres will be farmed after SUP approval. No water supplies will be affected in the vicinity. **Staff feels that no additional provisions are necessary and soil erosion will be minimal to non-existent, nor will the surrounding water supplies be affected.**

The proposed development is a public necessity, or will not substantially impact the value of adjoining property. The relationship of the proposed use and the character of the development to surrounding uses and development, and whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property. Applicant states the proposed SUP will not affect the surrounding neighbors because the business is on such a small part of the 40-acre parcel and there are no loud sounds. Our company will create direct and indirect sources of income throughout the county. **Staff feels the proposed SUP will merge well with the surrounding uses due to the existing agriculture presence nearby and large lot residential on 3-sides, and the business will have little to no effect on the surrounding neighbors.**

**Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.**

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.



Applicant: Venture Stone has grown from an entrepreneur's idea to a legitimate local business. We have hired numerous local people and increased business to many small and large local businesses. We pay for the stone from Cascade County landowners and they are taxed on that income. After the stone is removed, grass grows which helps the livestock on the land. We have installed our first solar panel and it has opened many ideas for the future. **Staff feels that Venture Stone LLC is a great example of an entrepreneur's dream coming to fruition. All things local or state is Venture Stone's underlying plan which is vital for continued economic advancement. The success of their business fuels other local businesses and they are a supporter of alternate energy.**

**GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.**

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.
- D. Assure clean air, clean water, a healthful environment and good community appearance.
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.

Applicant states they use local and state rocks from the land. After extraction, the land and grass returns which helps the Montana wildlife. They plan to farm the majority of our land which is maintaining County open space. **Staff feels that Venture Stone is aware of the natural resource and their attempts to extract the product and encourage revegetation. The site will remain mostly farmland which will merge well with the surrounding farmland considering the 5 acres of land for the business and most of the remaining land for farmland resides outside of the floodplain.**

**GOAL 3: Maintain Agricultural economy**

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant states that they will do everything we can to protect the productive soils. We foresee no future soil erosion mainly because we are not in the floodplain. Venture Stone will be using regional products with the additional land we have to maximize our

agricultural base. **Staff states the USDA characterizes the soil types as Kobar silty clay loam (61.5% of site) Prime farmland if irrigated. The remaining 38.5% is a combination of Marias silty clay and Vanda clay which are non-prime farmland soils. There is no desire to irrigate the land; therefore natural hay or wheat would be recommended for farming.**

**GOAL 4: Retain the presence of the US Military in Cascade County.**

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.
- B. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant states that Venture Stone is in full support of the US military's current mission status and future projects. **Staff states the location of Venture Stone LLC is appx 2.5 miles away of a Launch Facility and over 17 miles from MAFB and the Military Height Overlay District therefore they should not have a direct impact on the US Military presence in Cascade County.**

**GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.**

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant states that Venture Stone LLC is in full support of preserving the rural lifestyle currently enjoyed by Cascade County's citizens. We encourage educational programs and will have fire preventative measures on site. **Staff believes The application will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.**

Consistency with the municipal and joint land use plans incorporated by the Growth Policy, and the application will likely not have an impact on the municipal or joint land use plans. The proposed development will be in harmony with the area in which it is located. *Applicant states they will be using 5-acres of their 40-acre property, the rest will be leased out to local farmers. Any possible conflicts will be considered and will do anything we can to work through conflicts that arise. With the business working on*

approximately 5 of a 40-acre tract and the remainder being farmed, and the residences are approx. 950' minimum away from the business, Staff feels there should be no conflicts. The proposed development will be consistent with the Cascade County Growth Policy. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Per Section 10.7, operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use. From the application information submitted, this business should not be more objectionable to nearby properties. The minimal amount of noise created from the forklifts, saws, and tractors is over 950' from the nearest neighbor. No fumes, vibrations, flashing lights should be present and the neighbor's should not hear whatever work is being performed during working hours.

#### **Motions:**

The following motions are provided for the board's consideration:

A. Alternative 1: Move the Special Use Permit to allow "the operation of Venture Stone LLC's quarry at 795 Ulm-Vaughn Road, Great Falls, MT (parcel # 0005702000)" be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);

Or

B. Alternative 2: Move the Board to adopt the staff report and **approve** the Special Use Permit subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The applicant will abide by all sign regulations of County Ordinance 8.1 if signage is desired.
3. The applicant will abide by Regulation 8.4.8 to install the necessary amount of parking spaces.

#### **Board Questions:**

**Tim Wilkinson** asked about the work hours and timeframe, and what type of work will be performed.

**Troy Hangen** replied it is page 2 of the report, 7 am – 7pm. There would be minimal work done at this location, most would be done in the field.

**Applicant: Taylor Erdman, 1195 McIver Rd** was available for questions.

**Jim Edwards** asked if there would be cutting on site, if so what kind.

**Taylor Erdman** replied there are two saws, similar to chop saws with one operator. The main site is in Billings.

**Tim Wilkinson** asked if there is a break on site.

**Taylor Erdman** no, it is done at the various field sites where the rock is obtained, then transported to the shop. The smaller saws are used for year round work for the crew.

**Tim Wilkinson** asked where the saws are located.

**Taylor Erdman** replied in a lean to that is facing north.

**Jim Edwards** asked if this was the old Phillips property. He mentioned a rock business in Monarch that was similar to this one and that the County received many complaints and had to go in and shut it down as they exceeded the parameters of the SUP. Jim stated his concern that this operation could go in the same direction and wanted to know if this should be addressed.

**Troy Hagen** said yes it is the old Phillips land, the parcel is zoned Agriculture and this is allowed.

**Tim Wilkinson** said the break would be loud, but the SUP would be subject to conditions.

**Taylor Erdman** reminded the Board that most of the work is done at the Billings site.

**Tim Wilkinson** said he was concerned about the noise level, but wasn't sure this should be an indoor item. He asked if a decibel level could be placed on it.

**Taylor Erdman** claimed that most of the noise was from the trucks.

**Jim Edwards** agreed about the noise level and explained the Board has to think of these possible problems.

**Len Reed** asked what the distance was to the closest dwelling.

**Troy Hagen** replied 950 feet, the furthest was about 1800 feet.

**Jim Edwards** said the neighbors were contacted about this project and that staff received no responses.

**Bill Austin** said he visited the area and felt this was well located for the project.

#### **Public Hearing opened at 9:35 am**

##### **Proponents:**

1. **Gary Prue, 973 McIver Rd**, stated that the business is located north of his property. In the beginning, it was noisy, but it has settled down. He believes that the traffic noise is worse.

##### **Opponents:**

1. **Eileen Hyndman, 983 McIver Rd**, stated that her property and eight others are south of the proposed development. Just as Mr. Prue, I too hear the screeching noise from the saws for a rural residential area. The rural area allows sounds to carry, and the wind will cause other problems such as soil erosion. Irrigation and rain are non-existent and makes it hard for seed to become established. This business is surrounded by residents on 3-sides and agriculture across the road. The noise, truck traffic, and speed are over whelming. What happens if he works beyond the hours of operation just like another business in the area? The area has been so peaceful, which was the reason they moved to it, they thought it was protected zoning. She feels it is not fair that someone can come in; get the zoning change so they may do what they want without regards to the neighbors.

**Jim Edwards** inquired what the other business was she mentioned. Mrs. Hyndman replied they build scales for trucks. Jim Edwards recommended that she contact the Planning office about the problem.

2. **Donna Hardesty, 989 McIver Rd**, stated that she also borders the Venture Stone property. There have been numerous occasions she hears noise from the railroad, Venture Stone, and the trucks entering and leaving their property the noise and

vibrations is unbearable. There are traffic concerns on the route, but the other neighbors who haul grain do not seem to disturb the area. She is uncomfortable with the applicants phrase "at this time" and wanted to know what steps will be taken to keep the applicant from accelerating the business. She stated that as a landowner, she is aware of how the weeds may crop up when the ground is disturbed, adding that this is not farmable land. She knew Mr. Phillips and that he ran his rock business from this and this location is not farmable. She claimed that she and the neighbors didn't have anyone in the county that they could take their concerns to, especially in this instance when it should be in an industrial zoned location.

3. **Phil Nappo, 979 McIver Rd**, stated that he is the neighbor to the south that has called law enforcement about the noise on Sundays, when the neighborhood should have some peace and quiet on the weekends. He said that these permits are being abused by the applicants with building structures that downgrade the neighborhood and having debris and junk all over the place. He added that this should be in an industrial zoned area, as well as the medical marijuana business should be.

**Bill Austin** reminded the public that they needed to stay on point and explained that the Special Use Permit has its designation and for the public to contact the staff with their complaints.

**Public Hearing closed at 9:57 am**

#### **Discussion and Decision:**

**Tim Wilkinson** commented that the building industry does need the rock. His opinion if they are keeping within the parameters of the permit it should be OK, but if they go beyond that, it will create problems.

**Bill Austin** asked the applicant if they are able to direct or control the trucks and their routes.

**Taylor Erdman** replied perhaps they could go onto the highway and then south, but wasn't sure, adding that there are not too many options.

**Bill Austin** said he had concerns on controlling traffic or if they had that responsibility, direction they would be using the frontage or gravel roads.

**Jim Edwards** said his concern is controlling noise, which is tough, and suggested looking into a noise limit similar to other permits, and noise may need to be monitored. There is the limiting of expansion, but hauling costs for a business such as this need to be feasible. Perhaps having them work indoors.

**Len Reed** suggested delaying the decision so the staff could check into this for us.

**Tim Wilkinson** said he is not opposed to some cutting, but it does need to be limited, especially on the weekends. What are the size and shape of the rock at this location and how is it moved.

**Taylor Erdman** replied originally all the work was done indoors, now the majority of the work is done at Billings. Currently the rock is currently cut with a 24" saw similar to a chop saw in a lean-to that faces north. He said they move the rock with a skid steer.

**Donna Hardesty** was given permission to speak briefly, said that at a recent Commission meeting she complained about the speed and weight of the trucks entering and leaving

Venture Stone. After the meeting, the owner said he would divert his trucks, which worked for a while; it is now back to what it was before. They complained to law enforcement about this and asked the Sheriff if a portable scale could be brought out. She and the neighbors are greatly concerned about the phrase "As of right now", it could let problems crop up later. She wanted a phone number of the staff so they could contact them on the weekend.

**Jim Edwards** stated a road could be used no matter where this business. We are trying to deal with neighbors' concerns.

**Alex Dachs** said Staff would check into the noise decibel problem if the Board directs them to do so.

**Bill Austin** directed Staff to check into the matter of the noise level, adding that the Board needs to follow the rules and regulations.

**Tim Wilkinson** motioned to table this Special Use Permit application and have Staff provide the Board with alternative language for condition #4 in relation to sound or noise.

**Jim Edwards** seconded the motion.

**All in Favor, Motion passes 4-0**

**5. OLD BUSINESS:**

None

**6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZONING BOARD OF ADJUSTMENTS JURISDICTION:**

**Eileen Hyndman** wanted to know what the status of a permit for growing medical marijuana or if it is regulated. She stated that there is one operating in her neighborhood and the covenants are not being enforced by the county.

**Alex Dachs** replied that she would need to contact the Planning staff.

**Bill Austin** said that it is not the County or this Board's duty to enforce the covenants.

**7. BOARD MATTERS:**

**Alex Dachs** introduced Sandor Hopkins, new planner.

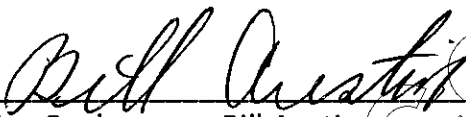
**Alex** checked with the Board members to make sure that they would be available for upcoming meetings in November & December 2017.

**8. ADJOURNMENT:**

**Tim Wilkinson** motioned to adjourn.

**Jim Edwards** seconded motion.

**All in Favor, Motion passed. Meeting adjourned at 10:20 am**

  
\_\_\_\_\_  
Brian Ruckman or Bill Austin

11-9-17  
Date

  
\_\_\_\_\_  
Brian Clifton

11/9/17  
Date